will not allow creditors or shareholders to be harassed, nor itself to be congested, by improper proceedings.

The points to be decided on this summons are whether the procedure is in order and whether the appointment of the applicant as liquidator ought to be confirmed.

The procedure was misconceived. There is no winding-up by or in the Court and no pending proceeding in which the summons in chambers could properly issue.

The application was misconceived. There is no power to confirm the appointment of a liquidator in these circumstances.

Even if there were such a power, this applicant has put himself into so false a position by ignoring the law that his appointment ought not to be confirmed.

I therefore refused the application and ordered the costs to be paid by the applicant personally, without recourse to the assets of the company until all the creditors of the company have been paid in full.

Application refused.

PUBLIC PROSECUTOR v. HO CHEONG BENG.

[App. Crim. Juris. (Abbott, J.) August 17, 1950]

[Malacca — Criminal Appeal No. 14 of 1950]

Opium and Chandu Proclamation, s. 3 — Possession — Opium found in a motor car.

This was an appeal by the Crown against the acquittal of the respondent in that, at the conclusion of the case against him in the lower Court, the learned President of the Sessions Court held that the Crown had failed to establish a prima facie case against the respondent.

Held, that according to the circumstances of this case the learned President of the Sessions Court was correct in holding that no prima facie evidence of possession was made out against the respondent.

CRIMINAL APPEAL from the Sessions Court, Malacca.

Hugh Shepherd (D.P.P.) for the appellant.

R. H. V. Rintoul for the respondent.

Abbott, J. : — This is an appeal by the Crown against the acquittal of the respondent in that, at the conclusion of the case against him in the lower Court, the learned President of the Sessions Court held that the Crown had failed to establish a *prima facie* case against the respondent.

The facts may shortly be summarised as follows. The respondent, at the material time, owned a motor car. On the day in question he was seen in that motor car being driven by another person in the direction of Alor Gajah. At Alor Gajah he descended from the car and it was driven by the other person, out of sight, into a side road. Customs officers searched the car and found, in the boot, a cement bag containing, hidden in the cement, a quantity of opium. The driver of the motor car had voluntarily unlocked the boot in order to facilitate the search. The Crown has submitted that, in law, the respondent was in possession of the opium by reason of the fact that he was using his own car, and in control, of it, throughout the material time.

Section 3 of the Opium and Chandu Proclamation makes the possession of opium an offence and assumes guilty possession on the part of the occupier of premises unless the occupier proves the contrary. The opium in this case was found, not in premises but, in a motor car — and there is thus no presumption, such as would shift the onus of proving innocent possession, that the respondent was in possession of the opium.

This Court is of opinion that the learned President of the Sessions Court was correct in holding that no *prima facie* evidence of possession was made out against the respondent.

The consideration of section 18 of the Opium and Chandu Proclamation does not therefore arise and this appeal must be, and is, dismissed.

Appeal dismissed.

WAGNER AND ANOR. v. SINGAM.

[App. Civ. Juris. (Taylor, J.) June 29, 1950]

[K. L. — Civil Appeal No. 5 of 1950]

Landlord and tenant — Control of Rent Ordinance, 1948, s. 13(i) — Tenant or any member of his family — Meaning of.

This was an appeal from an order of the Rent Assessment Board for Kuala Lumpur refusing an application by the landlords, who are trustees, for permission to apply to Court for ejectment of their tenant.

The facts are, briefly, that the tenant is a bachelor, employed by the Government, who have allotted to him official quarters in which he in fact resides, together with two "relatives" and four pupils; his married sister, with her husband and children, and also his mother, reside in the house rented from the landlords and the tenant frequently takes meals there.

Held, that for the purpose of the Control of Rent Ordinance, 1948, the family of a tenant is restricted to specified near relations. The respondent's sister and her children are not his family; they are the entirely separate family of his brother-in-law. The respondent's family, within the statute, consists of two persons only, his mother and himself and therefore the Board misdirected themselves on a point of law and that section 13(i) refers to alternative accommodation for the tenant.